

HOUSE BILL 2092
By Pinion

AN ACT to amend Tennessee Code Annotated, Section 54-21-119, relative to vegetation control permits and fees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-21-119, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) The commissioner shall issue to the owners and/or holders of lawfully issued outdoor advertising permits (which definition includes those described as legal conforming, grandfathered and nonconforming structures in federal regulations) when the face of the outdoor advertising is generally visible to occupants of vehicles from the main traveled ways of the system on the date of erection, permits to remove, cut and trim vegetation located on the right-of-way adjacent to the outdoor advertising and replace the same as directed, whenever such vegetation prevents clear visibility for a distance not to exceed five hundred (500) yards to occupants of vehicles using the main traveled ways of the controlled systems. Notwithstanding any other provision of this chapter to the contrary, vegetation which, on the date of erection of the outdoor advertising, blocks the view of the outdoor advertising, in whole or in any part, for a distance not to exceed five hundred (500) yards, to occupants of vehicles using the main traveled ways, shall not be eligible for removal under a vegetation control permit. The maximum area to be controlled shall not exceed five hundred feet (500'). The regional engineering director for the department shall issue a vegetation control permit where all criteria are met, following submission of information specified and a nonrefundable fee of two hundred dollars (\$200) for each face involved. Vegetation control permits will be

issued upon payment of a fee of three hundred dollars (\$300) per face for supervision of the work. All fees received by the commissioner under the provisions of this section shall be deposited to the highway fund for the administration of this part and for other purposes. Each subsequent year a maintenance permit may be purchased for two hundred dollars (\$200) to provide annual maintenance at any one (1) location that is consistent with the original vegetation control permit.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.